

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #22

1. Applicant admits the allegations contained in paragraph 1 of the Opposer's complaint.
2. Applicant admits the allegations contained in paragraph 2 of the Opposer's complaint.
3. Applicant lacks sufficient information to admit or deny the allegations contained within paragraph 3 of Opposer's complaint and therefore denies the same.
4. Applicant lacks sufficient information to admit or deny the allegations contained within paragraph 4 of Opposer's complaint and therefore denies the same.
5. Applicant lacks sufficient information to admit or deny the allegations contained within paragraph 5 of Opposer's complaint and therefore denies the same.
6. Applicant lacks sufficient information to admit or deny the allegations contained within paragraph 6 of Opposer's complaint and therefore denies the same.

7. Applicant lacks sufficient information to admit or deny the allegations contained within paragraph 7 of Opposer's complaint and therefore denies the same.

8. Applicant lacks sufficient information to admit or deny the allegations contained within paragraph 8 of Opposer's complaint and therefore denies the same.

9. Applicant denies the allegations contained within paragraph 9 of Opposer's complaint.

10. Applicant denies the allegations contained within paragraph 10 of Opposer's complaint.

11. Applicant denies the allegations contained within paragraph 11 of Opposer's complaint.

12. Applicant denies the allegations contained within paragraph 12 of Opposer's complaint.

13. Applicant lacks sufficient information to admit or deny the allegations contained within paragraph 13 of Opposer's complaint and therefore denies the same.

14. Applicant lacks sufficient information to admit or deny the allegations contained within paragraph 14 of Opposer's complaint and therefore denies the same.

15. Applicant lacks sufficient information to admit or deny the allegations contained within paragraph 15 of Opposer's complaint and therefore denies the same.

16. Applicant denies the allegations contained within paragraph 16 of Opposer's complaint.

17. Applicant denies the allegations contained within paragraph 17 of Opposer's complaint.

18. Applicant lacks sufficient information to admit or deny the allegations contained within paragraph 18 of Opposer's complaint and therefore denies the same.

19. Applicant admits the allegations contained in paragraph 19 of the Opposer's complaint.

20. Applicant denies the allegations contained within paragraph 20 of Opposer's complaint.

21. Applicant denies the allegations contained within paragraph 21 of Opposer's complaint.

22. Applicant denies the allegations contained within paragraph 22 of Opposer's complaint.

DEFENSES

FIRST DEFENSE

Opposer's claims should be denied, in whole or in part, because they fail to state a claim upon which relief may be granted.

SECOND DEFENSE

Opposer's mark is not distinctive and has failed to obtain any secondary meaning as recognized by various U.S. District Courts.

THIRD DEFENSE

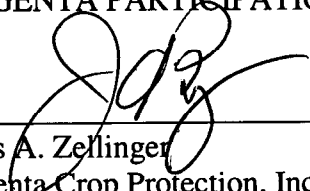
Due to the great difference in the goods and services of the parties, likelihood of confusion does not and cannot exist.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Opposer is not entitled to the relief requested in its Complaint by virtue of its unclean hands.

SYNGENTA PARTICIPATIONS AG

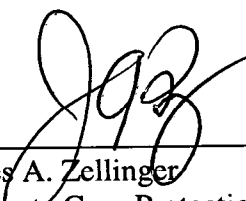
By: 
James A. Zellinger
Syngenta Crop Protection, Inc.
410 Swing Road
Greensboro, North Carolina 27409
Tele. 336-632-7835
Fax. 336-632-2012

CERTIFICATE OF SERVICE

I, JAMES A. ZELLINGER, do hereby certify that I have mailed a copy of the above and foregoing APPLICANT'S RESPONSE TO OPPOSER'S NOTICE OF OPPOSITION to the attorney of record as listed below by placing a copy of same in the U. S. Mail, properly addressed and postage prepaid, to:

David J. Kera
Oblon, Spivak, McClelland, Maier & Neustadt, P.C.
1940 Duke Street
Alexandria, VA 22314

on this the 12th day of August, 2003.



James A. Zellinger
Syngenta Crop Protection Corp.
410 Swing Rd.
Greensboro, N.C. 27409



James A. Zellinger
Trademark Counsel

119B
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August 12, 2003

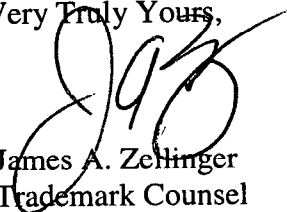
U.S. Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Re: "LEXUS" TM; Serial No. 78/145,546
Filed July 19, 2002

Dear Sirs,

Please find enclosed one (1) original of APPLICANT'S RESPONSE TO OPPOSER'S
NOTICE OF OPPOSITION in conjunction with the above captioned. Please file in conjunction
with the above. I appreciate your assistance.

Very Truly Yours,


James A. Zellinger
Trademark Counsel

JAZ/sk
Encls.